

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5861-01  
Bill No.: HB 1817  
Subject: Department of Corrections; Probation and Parole; Prisons and Jails  
Type: Original  
Date: March 31, 2014

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Bill Summary: This proposal authorizes the early parole of certain offenders over the age of 65.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Corrections (DOC)** state the bill will allow offenders serving life sentences without parole (LWOP) or no parole for 50 years to be eligible for parole hearings and a release to parole after they have served at least 20 years and have reached the age of 65. If the offender is not released at the first parole hearing the offender will receive a reconsideration hearing after every five years.

The conditions for a parole hearing and release include: no prior convictions for a violent or sex offense, good institutional behavior and a reasonable expectation that the offender will succeed on parole without committing new crimes.

There are 46 offenders currently incarcerated for a life without parole who are 65 or older and 33 have no prior violent or sex offenses. Of this number 13 have served at least 20 years and have good institutional adjustment.

If the statute change applies to offenders currently serving LWOP sentences then possibly 13 offenders may be released. The releases are subject to the parole board discretion but the time served of twenty years is not very different to the time served of offenders serving murder sentences with parole eligibility, (23 years).

In the next 10 years another 30 offenders will become eligible for a parole release. Any paroles and / or pardons could result in incarceration cost savings due to the release from prison, however this fiscal impact cannot be estimated. Fiscal impact due to passage of this proposal is Unknown for the DOC per each fiscal year.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposal is not anticipated to cause a fiscal impact in excess of \$100,000.

**Oversight** assumes CTS could implement the proposal with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
<b>GENERAL REVENUE</b>			
<u>Savings</u> - Department of Corrections - from reduced incarceration expense for offenders that meet the criteria in the proposal and are released	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<u><u>Unknown</u></u>	<u><u>Unknown</u></u>	<u><u>Unknown</u></u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

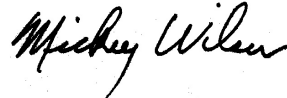
This proposal requires any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature and is serving a sentence of life without parole for a minimum of 50 years or more to receive a parole hearing upon serving 20 years or more of his or her sentence. The Board of Probation and Parole within the Department of Corrections must determine whether there is a reasonable probability that the offender will live and remain at liberty without violation of law upon release and is eligible for release based upon a finding that the offender meets specified criteria. Any offender who is not granted parole under these provisions must be eligible for reconsideration every five years until a presumptive release date is established.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

RAS:LR:OD

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 31, 2014

Ross Strobe  
Assistant Director  
March 31, 2014